

MINUTES  
**SENATE JUDICIARY & RULES COMMITTEE**

**DATE:** Monday, March 06, 2023

**TIME:** 1:30 P.M.

**PLACE:** Room WW54

**MEMBERS PRESENT:** Chairman Lakey, Vice Chairman Foreman, Senators Lee, Anthon, Hart, Hartgen, Wintrow, and Ruchti

**ABSENT/ EXCUSED:** Ricks

**NOTE:** The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

**CONVENED:** **Chairman Lakey** called the meeting of the Senate Judiciary & Rules Committee (Committee) to order at 1:30 p.m.

**Chairman Lakey** announced that from this date forward Committee would meet at 1:00 p.m. Friday afternoon meetings may be needed in order to complete legislation.

**RS 30522** **Chairman Lakey** asked Unanimous Consent to hold **RS 30522** until call of the chair to give the needed time to make changes. There were no objections.

**RS 30562** **Legislation addresses the filling of Judicial Vacancies. Senator Lee** indicated this legislation was similar to legislation passed out of this committee last session relating to judicial council vacancies. It changed the terms, how the members were selected to serve on the committee, changed the membership from 7 to 9 members and gave the governor the ability to not have to accept the names that were submitted. The governor was currently constrained and was not allowed to do anything other than what the Judicial Council recommended. A working group had compiled changes which included some of the concerns from last year's legislation.

**MOTION:** **Senator Ricks** moved to send **RS 30562** to print. **Senator Foreman** seconded the motion. The motion carried by **voice vote**.

**S 1086** **Tort Claims Against Governmental Entities. Senator Ruchti** stated this legislation was a piece of cleanup legislation he worked on in 2007. During that time, in civil suits the statute of limitations for a child sex abuse case extended five years after the child turned 18 or five years from the point the child discovered they had been abused. In 2022, an attorney pointed out that there had not been any legislation on how the changes affected claims against the government. Cities, counties and states had a separate statute of limitations. Whenever there was a claim against the state, it fell under the Tort Claims Act, and the plaintiff had only 6 months from the date of the event to disclose the claim. There were many requirements and they all had to be met within the 6 month period or the claim went away altogether. **Senator Ruchti** explained that it was appropriate to address the statute of limitations for child sex abuse cases to mirror what was done on the civil side when dealing with the state. Both the Association of Cities and the Counties had reviewed the legislation and agreed with the changes.

**MOTION:** **Vice Chairman Foreman** moved to send **S 1086** to the floor with a **do pass** recommendation. **Senator Wintrow** seconded the motion. The motion carried by **voice vote**.

**Chairman Lakey** indicated that Senator Schroeder was not yet in attendance and asked Ms. Hart to proceed in his absence.

**H 47**

**Public Records. Julie Hart** on behalf of the city of Idaho Falls, stated that numerous meetings were held between all of the stakeholders concerned with H 618 from last year. The focus of the meetings was to clean up the legislation and make a stronger bill. **Ms. Hart** explained that basically **H 47** defined "unwarranted invasion of personal property." It clarified specific information exempt from disclosure for confidentiality reasons. The definition of unwarranted invasion of personal privacy was to mean the disclosure of information used to identify, locate or harass a juvenile, a victim of an alleged crime of mass violence or domestic violence, or of physical or sexual abuse, or disclose such information that was likely to violate legitimate and substantial privacy interests of the person identified when such interests were weighed against the general public curiosity. **Ms. Hart** commented that the City of Idaho Falls had talked with other cities about this language and they had found that it would be beneficial to them as well.

**Senator Schroeder** stated he was co-sponsor of the bill. He had communicated with some committee members about possible amendments to the language relating to general curiosity instead of general public information. **Senator Wintrow** asked Senator Schroeder to comment on how the legislation would help protect crime victims and very sensitive situations. He responded that he routinely got requests for body cam videos or police reports. He stated if the case was a criminal case and could affect the investigation, he usually declined the request until after the trial. He indicated that as a prosecutor when he responded to public records requests, they evaluated the request pursuant to the Public Records Act and that helped clarify the standards set to decide on the release.

**MOTION:**

**Senator Lee** moved to send **H 47** to the 14th order of business for possible amendment. **Senator Foreman** seconded the motion. The motion carried by **voice vote**.

**H 73**

**Drug Courts and Mental Health Courts. Representative Young** stated **H 73** amended the section of code related to Drug and Mental Health Courts. It stated that any licensee shall be eligible to provide professional counseling services to an adult receiving services through a drug court or mental health court. In 2020 Idaho passed a law clarifying that even someone who had a prior criminal conviction could not be automatically denied the opportunity to have a license. It established a process to review that prior conviction and its relevance to their ability to have a license. The Idaho Department of Health and Welfare had rules on its books prohibiting someone with a past conviction from participating in these courts. This legislation clarified the same standards could be used to evaluate someone's ability to participate as a drug or mental health counselor in those courts. **Representative Young** stated this opened a doorway for people to share valuable experience with those struggling with addiction or other issues.

**Senator Lee** questioned if this legislation covered other rules with similar stipulations. **Representative Young** responded she was not sure about other places. This rule was on the books in the Department of Health and Welfare and they were happy to make this adjustment.

**TESTIMONY:**

**Liz Hatter**, Idaho Counseling Association, testified in support of **H 73**. **Ms. Hatter** stated this legislation would allow many counselors to give back and be a part in treating those with what they had learned from their own recovery.

**Kate Haas**, on behalf of her family, testified in support of **H 73**. **Ms. Haas** shared an experience a family member had, his recovery, and his desire to help those who were struggling in a similar situation that nearly broke him.

**MOTION:** **Senator Lee** moved to send **H 73** to the floor with a **do pass** recommendation. **Senator Wintrow** seconded the motion. The motion carried by **voice vote**.

**S 1130** Senator Adams was not able to attend the Committee meeting. The Committee will hear **S 1130** on Wednesday, March 8, 2023.

**INTRODUCTION:** **Chairman Lakey** introduced Senator Melissa Brown who was filling in for Senator Anthon, and asked her to tell the Committee about herself. **Ms. Brown** stated she was born and raised in Burley, Idaho on a small farm. She said she had studied art, business, equine business management and music at the College of Southern Idaho. She recently graduated from Idaho State University in Pocatello, Idaho with a Bachelor's degree in music with the piano being her primary instrument. **Ms. Brown** commented that in her free time she liked to study government mechanics.

**ADJOURNED:** There being no further business, **Chairman Lakey** adjourned the meeting at 2:15 p.m.

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Senator Lakey  
Chair

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Sharon Pennington  
Secretary